THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 19093 of 2006

Date:05-06-2007

Between:

Mohd.Nizamuddin

.. PETITIONER

AND

The Principal Secretary,Home Dept.Govt.of A.P.,Hyderabad and two others.

..

RESPONDENTS

ORDER:

The petitioner seeks a writ of mandamus to direct the respondents to consider his application dated 20.04.2006 for providing gunman security.

The case of the petitioner is that he is the General Power of Attorney holder of certain lands situated in Miyapur village, Serilingampally mandal and Bahadurpally village of Qutubullahpur mandal which lands originally belonged to late Md. Khaisaruddin Khan. It is stated that he has contested several cases on the file of this Court and also Apex Court. It is further stated that he is receiving threats from anti social elements and also from unknown persons to withdraw the said cases and therefore, he requires police protection, as there is danger to his life and liberty. It is stated that he made a representation before the first respondent on 20.04.2006 marking copies to the respondents 2 and 3 for providing gunman security, but no action has been taken.

A counter has been filed by the second respondent stating that there is no obligation on the part of government to provide personal security officer to private persons involved in civil disputes and such personnel are free to engage private security agencies for the protection of their property and person, if they so desire, several private security agencies are providing such services to other business organizations like banks, corporate offices, jewellery shops etc. The provision of personal security officers is based only on threat perception and as per the guidelines laid down in G.O.Rt.No.655, dated 13.03.1997 which were issued in consonance with the instructions of this Court in W.P.Nos.291/95 and 12172/96 wherein it was clearly stated that “while it is the duty of the State to protect every

citizen, specified security cover to any individual can be provided on his threat perception." It is stated that in the instant case, the threat perception of the petitioner has been assessed and it was found that there is no threat perception. The threat perception report sent by the Joint Commissioner of Police, Special Branch, Hyderabad, dated 11.09.2006 is also enclosed along with the counter.

If that be so, I am of the opinion that the rival parties of the petitioner would also seek gunmen by exerting avoidable pressure on valuable resources of the State intended to be used on priority areas. It may not be possible for the State to provide police protection to the litigants for both sides. The only criteria to provide gunman is based on threat perception. The availability of trained personnel is very limited and their deployment is being made depending upon the level of threat perception of the targets and such sources cannot be distributed to protect the interests of people in business or litigation merely on their request. The provision of personal security officer is not an automatic obligation on the part of police but being decided on the basis of threat perception and availability of trained manpower with the unit and hence the petitioner is not entitled for such a relief. The petitioner being a rich landlord having various disputes, he can engage private security agencies for the protection of property and person.

Having regard to the facts of the case, I do not see any merits in the case to issue a writ of mandamus.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

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V.ESWARAIAH, J.

Date:05.06.2007
ccm